



Freedom of Information – Your Review Rights

If you disagree with the decision made by the Department of Defence or the Minister under the *Freedom of Information Act 1982* (the FOI Act), you can ask for the decision to be reviewed. You may want to seek review if you sought certain documents and were not given full access, if you have been informed that there will be a charge for processing your request, if your application to have your personal information amended was not accepted or your comments in response to formal consultation were not accepted.

There are two ways you can ask for review of a decision: internal review by Defence, or external review by the Australian Information Commissioner.

Internal review

If Defence makes an FOI decision that you disagree with, you can ask Defence to review its decision. The review will be conducted independently to the FOI Directorate. There is **NO** charge for internal review.

You must apply within 30 days of being notified of the decision, unless you have sought an extension from Defence.

Defence **must** make a review decision within 30 days. Where Defence has not met its review obligation, you may then approach the Information Commissioner.

Internal review is not available if the Minister or the principal officer of the agency made the decision personally.

How to apply for internal review

You must apply in writing and should include a copy of the notice of the decision provided and the points to which you are objecting and why.

You can lodge your application in one of the following ways:

Email: FOIReview@defence.gov.au
Fax: +61 2 626 62112

Post: Freedom of Information Directorate

Department of Defence
CP1-6-029
PO Box 7910
CANBERRA BC ACT 2610

External Review

Do I have to go through the Defence's internal review process first?

No. You may apply directly to the Information Commissioner, within 60 days of receiving your decision. However, going through the Defence internal review process gives Defence the opportunity to reconsider its initial decision and your concerns will most likely be addressed more quickly, without undergoing an external review process.

When can I go to the Administrative Appeals Tribunal (AAT)?

Under the revised FOI Act, you must seek external review through the Information Commissioner prior to applying to the AAT for such a review.

Making a complaint

You may make a complaint to Defence or the Commonwealth Ombudsman about actions taken by Defence in relation to your application.

Contacting the Information Commissioner

Further information about the external review process is available at the following:

Online: www.oaic.gov.au
Post: GPO Box 2999, Canberra ACT 2601
Fax: +61 2 9284 9666
Email: enquirix@xxxx.xxx.au

Contacting the Commonwealth Ombudsman

The Commonwealth Ombudsman investigates complaints about action taken by agencies under the FOI Act. Further details on how to contact or find out more about making a complaint to the Commonwealth Ombudsman are available at the following:

<http://www.ombudsman.gov.au/pages/making-a-complaint/>

Complaints can be made in writing, by phone, in person or by using an online form available on the website: <http://www.ombudsman.gov.au/pages/contact-us/>

Post: GPO Box 442, CANBERRA ACT 2601
Phone 1300 362 072 (calls from mobile phones at mobile phone rates)
Fax: 02 6276 0123

Defence FOI contacts

Freedom of Information Directorate

Department of Defence
CP1-6-029
PO Box 7910
CANBERRA BC ACT 2610

Ph: +61 2 626 63664
Fax: +61 2 626 62112

Email: FOIReview@defence.gov.au
Website: www.defence.gov.au/foi